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(1) (3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

**CHHATTISGARH**

Single Bench

WRIT PETITION NO. 4129 OF 2005

**PETITIONER** :Hiranand Kashyap S/o Shri Parmanand Kashyap , aged about 48 years, occupation agriculturist, resident of Singhanpur Basana District Mahasamund (CG).

**VERSUS**

**RESPONDENTS** :

1. State of Chhattisgarh, through the Secretary department of Agriculture, Mantralay, D.K.S. Building, Raipur (CG).
2. The Managing Director, Mandi Board, Chhattisgarh, Raipur, Tahsil and District Raipur (CG).
3. The Election Officer, Mandi Board Raipur , Tahsil and District Raipur (CG).

P.R. No. 4240/05
Presented by Shri Yogesh Pandey
dated 22/8/05

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CLERK TO R. G. BILASPUR
22/8/05

**WRIT PETITION U/S 226/227 OF THE CONSTITUTION OF INDIA**

(57)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ..... W.P. 4129/ ..... **सन् 200** 5

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **7-9-2005**<br>Mr. Awadh Tripathi, counsel for the petitioner.<br>Mr. Yashwant Singh Thakur, Govt. Advocate for the State/ respondent No.1.<br>Mr. Prashant Mishra, Senior Advocate with Mr. Ranbir Singh Marhas, Advocate for respondents No.2 & 3.<br>Heard.<br>The petitioner's petition is that the respondents have fixed the seats of Chairman, Mandi Committee for SC & ST based on the wrong data of census.<br>At the outset, Mr. Prashant Mishra, learned Senior Advocate appearing on behalf of respondents No.2 & 3 submitted that it is correct that on the basis of data of census sent by the Collectors, incorrect number of Chairman seats have been reserved for SC & ST, which requires correction after undertaking the exercise afresh, based on the correct data of census.<br>Return has been filed on behalf of respondents No.2 & 3 in which it has been mentioned that the coming election is the subsequent election and not the first election, therefore, the method of determination of reservation of seats by draw of lots is perfectly in accordance with law. It has further been mentioned that several District Collectors have submitted incorrect census data because of | |

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ....W.P. 4129/.... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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which the process of allotment of seats to reserve category has also been affected and needs to be corrected by undertaking the entire exercise afresh.

In view of the above submission made by learned Senior Advocate and also the fact that respondents No.2 & 3 in their return have admitted that based on the wrong data of census sent by the Collectors, incorrect number of seats have been reserved for SC & ST, the petitioner's petition is allowed. The respondents are directed to undertake fresh process of identifying the post of Chairman for SC & ST based on the correct data of census as per Census, 2001, and thereafter, shall hold the elections accordingly.

In view of this order, M.(W.)P.No.3387/2005 stands disposed of.

Parties are entitled for certified copy of this order.

Sdl-
L.C. Bhadoo
Judge

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